

## REMARKS/ARGUMENTS

Claims 1, 3 to 11, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Engel et al. (US 4,578,052) in view of Hofer et al. (DE 197 43 020) and further in view of Proudman (US 4,061,326). Claims 12 to 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Engel et al. Hofer et al. and Proudman, and further in view of Hechler (US 6,086,522). Claim 1 has been amended. Claims 20 to 24 have been added.

Reconsideration of the application is respectfully requested.

### 35 U.S.C. §103(a) Rejections

Claims 1, 3 to 11, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Engel et al. (US 4,578,052) in view of Hofer et al. (DE 197 43 020) and further in view of Proudman (US 4,061,326). Claims 12 to 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Engel et al. Hofer et al. and Proudman, and further in view of Hechler (US 6,086,522).

Engel discloses a sensor 3 sensing for one product a lead fold edge, a front edge of a mark and a rear edge of a mark. When the sensor 3 notes the lead fold edge, a switch state is changed from B to A (Fig. 4, col. 3, line 43 to 47) to effect a gate opening to prevent passage of pulses from a quartz oscillator, i.e. a clock, to a speed unit 11. Instead the pulses are counted in a counter and comparator 10 (See Fig. 5). The entering of the marking results in a change of the switch state from A to B so that pulses of the quartz frequency are measured in speed unit 11 until another status change occurs, i.e. the marking ends.

Since the marking in Engel is of known distance, the speed units 11 determine the speed from the counted pulses and the quartz frequency (i.e. the time between pulses) and the marking width. In other words the speed equals the marking width divided by the time. (See col. 3, lines 56 to 60).

Hofer shows a shingled stream.

Claim 1 recites “the signals corresponding to the contrast change alternately indicating a front edge of a first marking of the markings or a folding edge of another printed product covering the first marking.”

Neither Engel nor Hofer show this feature.

In addition, it is respectfully submitted that one of skill in the art would not have used the Engel device with a shingled stream as shown in Hofer. Engel teaches away from shingling over the marking as claimed: the marking in Engel must have a known width to calculate the speed. Shingling over the marking, as in the present invention, would lead to a variable width marking which would not permit speed determination.

Withdrawal of the rejection to independent claim 19 is also respectfully requested, as Engel teaches away from singling over a mark.

Thus, withdrawal of the rejection to all of the pending claims is respectfully requested.

New claim 20 recites the printed product conveyor described in the present invention, and is also not shown in Engel or Hofer.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
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